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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,714

05/25/2006

Tadaaki Harada

062568

5487

38834 7590 11/30/2009  
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EXAMINER

HON, SOW FUN

ART UNIT

PAPER NUMBER

1794

NOTIFICATION DATE

DELIVERY MODE

11/30/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,714	<b>Applicant(s)</b> HARADA ET AL.	
	<b>Examiner</b> SOPHIE HON	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2,4-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Amendment***

***Withdrawn Rejection***

1. The 35 U.S.C. 112, 2<sup>nd</sup> paragraph rejection of claims 1-2, 4-17 is withdrawn due to Applicant's amendment dated 8/14/09.

***Repeated Rejections***

2. The 35 U.S.C. 103(a) rejection of claims 1-2, 4-17 over Shiba in view of Shibahara and Border is repeated for the same reasons previously of record in the Office action dated 04/15/09.

***Response to Arguments***

3. Applicant's arguments have been fully considered but they are not persuasive.
4. Applicant argues that there is no viable reason to utilize the laminate sheet described in paragraph [0004] of Shiba as a transparent layer in a transmission-type display device since the mere fact that Shiba teaches that the disclosed layer is utilizable with the characteristics described in paragraph [0004] for a reflective-type LCD does not provide a skilled artisan with a reason to use the disclosed layer with the exact characteristics in a transmission-type LCD, and that as such, a skilled artisan would not utilize the layered sheet of Shiba in a high transmission type LCD device even in light of Shibahara and Border.

Applicant is respectfully apprised that while Shiba is directed to a reflective-type LCD, the teaching by Shiba that transparency is not required when using the laminate sheet in a reflective-type display ([0005]) implies that transparency is required when using the laminate sheet in regular LCDs other than a reflective-type LCD, especially a high transmission type LCD. This is evidenced by Shibahara which teaches that excellent transparency is desired of the laminate sheet when used as a substrate for a regular LCD (liquid crystal display substrate, column 2, lines 10-20).

5. Applicant argues that Shiba describes not only that the inorganic filler particles have a mean particle size within a range of 2 micrometers or less in paragraph [0004], but also that it is preferably not less than 0.2 micrometers in paragraph [0009], and that on the other hand, Border teaches that the nanoparticle must be available in a particle size range that is less than 40 nm to avoid scattering light, which [contradicts Shiba].

Applicant is respectfully apprised that while Shiba teaches that it is preferable for the particle to have a mean particle size of not less than 0.2 micrometers for purposes of controlling the viscosity of the composition in paragraph [0009], Shiba does not teach that the a particle size less than 0.2 micrometers is outside the scope of the invention. Otherwise, Shiba would not have taught the broader range of 2 micrometers or less in paragraph [0004]. Border is the secondary reference that teaches that providing the inorganic filler particles with a particle size of 40 nm avoids the scattering of light, for the purpose of providing the desired high level of transparency (high optical transmission, [0035]), which is consistent with Shiba, as modified by Shibahara. Shiba, as modified

by Shibahara, teaches that excellent transparency is required of the laminated sheet when it is used in a regular LCD that is not a reflective-type LCD.

As such, the prior art rejections are sustained.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number (571)272-1492. The examiner can normally be reached Monday to Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample, can be reached on (571)272-1376. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Sophie Hon/*

Sow-Fun Hon

Examiner, Art Unit 1794